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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,899	03/16/2004	Shinichi Yamada	13869.28US01	4637

7590 12/28/2006
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EXAMINER

NGUYEN, XUAN LAN T

ART UNIT	PAPER NUMBER
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3683

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/28/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/802,899

Applicant(s)

YAMADA, SHINICHI

Examiner

Lan Nguyen

Art Unit

3683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4 and 6-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,4 and 6-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. As presented, claim 7 is repeating the amended portion of claim 1. Claim 7 should be deleted.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

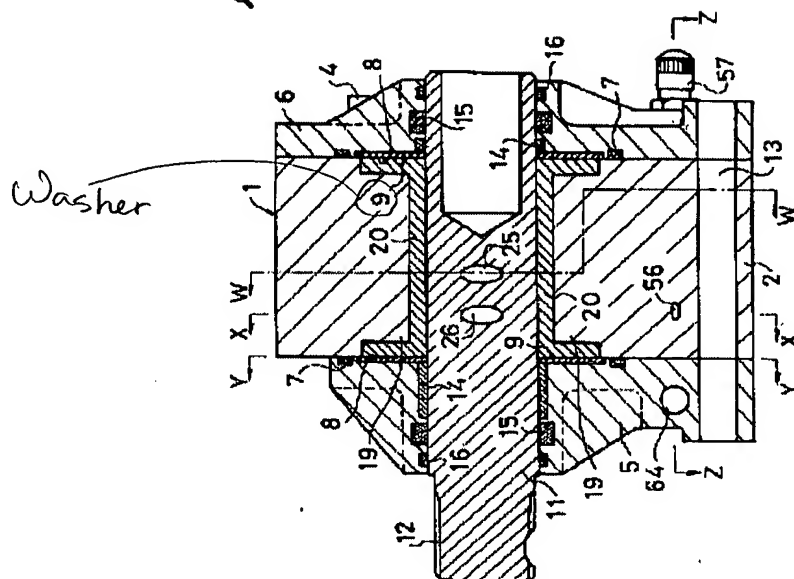
A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

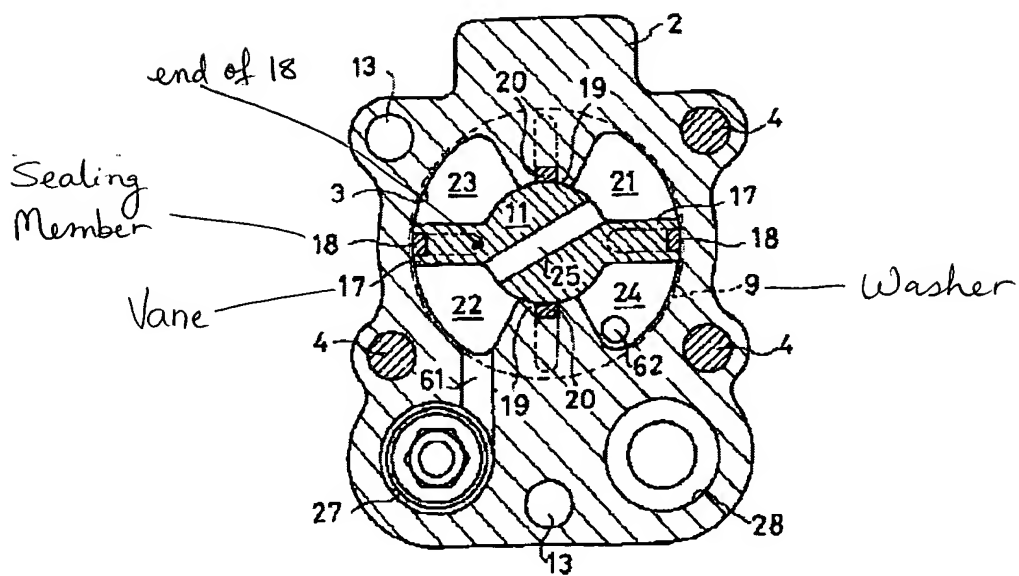
4. Claims 1, 3, 4 and 6-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamamoto (JP 09126264A).

Re: claim 1, Yamamoto shows a rotary damper, as in the present invention, comprising: a housing 2, 5, 6; a fan-shaped oil chamber 22, 23 formed in the housing; a vane 17, on the left, dividing said oil chamber into two chambers 22, 23, a shaft 11 rotatably fastened to said housing and fixed to a base part of the vane such that said vane extends only in one direction, to the left, away from said base part; a seal part, as

described below, provided on said based part dividing in a fluid-tight manner between a bearing rotatably supporting said shaft on said housing and said two chambers, wherein the oil chamber generates a damping force by passing operation oil between said two oil chambers when said vane oscillates, said seal part comprises a pair of washers 9, 9, sandwiched between an inner face of the housing of said two chambers and the base part, as shown, and a sealing member 18 provided to at least portions of 3 edges of said vane which seals in a fluid-tight manner between said vane and the inner face of said housing; said sealing member having ends with the ends facing said base part of said vane contacting edge peripheries of said washers so as to seal in a fluid-tight manner therebetween, as marked below and as described in paragraph [0026] wherein the seal member 18 is to cover the sides and the end face of the vane 17 as shown in the figure below. Please note how the term "periphery" is being interpreted in the Response to Argument section below. Note also that each washer 9 is of a doughnut shape having an inner periphery and an outer periphery. As shown in figure 2, the ends of sealing member 18 contact the inner peripheries of washers 9, 9.



【図2】



Re: claim 3, Yamamoto further discloses interconnected fitting grooves are formed in each part of said vane facing the inner face of said two chambers, and said sealing member is fitted and secured in said fitting grooves in page 3, paragraph [0026] and as illustrated in phantom lines in figure 2 above.

Re: claim 4, Yamamoto shows said base part to be located between said fitting grooves and said shaft in figure 2 with the phantom line on vane 17 representing the fitting grooves.

Re: claim 6, Yamamoto shows said sealing member 18 comprises an elastic body, and the external dimension of a part in sliding contact with the inner face of said housing is larger than the dimension of the inner face of said housing in page 5, paragraph [0057], wherein Yamamoto describes that seal 18 is crushed.

Re: claim 7, Yamamoto also shows said housing is provided with a body 2 and a cap 5 holding said shaft 11 and said vane 17 is contained within said two chambers 22, 23 of a fan-shape, formed between said body and cap.

Re: claim 8, Yamamoto shows a rotary damper, as in the present invention, comprising: a housing 2, 5, 6 with a fan-shaped oil chamber 22, 23; a shaft 11 rotatably fastened to said housing and fixed to a base part of a vane 17, on the left, said vane extending away from said base part into said fan-shaped oil chamber to divide said fan-shaped oil chamber, as shown above; and means for sealing among said shaft, said housing, and said vane, said sealing means including a sealing member 18 mounted on a portion of said vane, said sealing member sealing between said vane and said

housing, said sealing member having ends facing said shaft, as marked above, said sealing means also including a pair of washers 9, 9 mounted about said shaft in contact with said housing and extending into said oil chamber, said washers having edge peripheries, said ends of said sealing member contacting the edge peripheries of said washers to provide a seal among said washers, said housing and said vane, as explained above.

Response to Arguments

5. Applicant's argument is more specific than the claim language. Applicant argues that Yamamoto does not show a fan-shaped chamber and a vane extending only in one direction. Looking at figure 2 of Yamamoto, one can see clearly that the left portion of Yamamoto's damper shows the claimed fan-shaped chamber and vane 17 extending only to the left direction to divide the fan-shaped chamber into two chambers 22 and 23. Applicant has not provided any limitation in the claim to exclude a plurality of the claimed chamber and vane. Applicant also argues that Yamamoto's sealing member 18 does not contact the edge peripheries of the washers 9, 9. The definitions of the term "periphery" are provided below. Using definition #1 of the term "periphery" and definitions #1a, 1b and 2 of the term "perimeter", one can see that the ends facing the base part of sealing member 18 of Yamamoto contact the inner edge peripheries of washers 9, 9.

For these reasons, the rejection is still deemed proper and is repeated above. The new 112, 2nd rejection is due to Applicant's amendment.

Merriam-Webster's Online Dictionary

periphery

One entry found for **periphery**.

Main Entry: **pe·riph·ery** 

Pronunciation: p&-'ri-f(&-)rE

Function: *noun*

Inflected Form(s): *plural -er-ies*

Etymology: Middle French *peripherie*, from Late Latin *peripheria*, from Greek *periphēreia*, from *peri* around, from *peri-* + *pherein* to carry -- more at BEAR

1 : the perimeter of a circle or other closed curve; *also* : the perimeter of a polygon

2 : the external boundary or surface of a body

3 a : the outward bounds of something as distinguished from its internal regions or center : CONFINES beyond the strict limits of a thing

Merriam-Webster's Online Dictionary

perimeter

One entry found for **perimeter**.

Main Entry: **pe·rim·e·ter** 

Pronunciation: p&-'ri-m&-t&r

Function: *noun*

Etymology: Middle English *perimetre*, from Latin *perimetros*, from Greek, from *peri-* + *metron* measure MEASURE

1 a : the boundary of a closed plane figure **b** : the length of a perimeter

2 : a line or strip bounding or protecting an area

3 : outer limits -- often used in plural

4 : the part of a basketball court outside the three-point line

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lan Nguyen whose telephone number is (571) 272-7121. The examiner can normally be reached on Monday through Friday, 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James McClellan can be reached on (571) 272-6786. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lan Nguyen
Primary Examiner
Art Unit 3683

 12/18/06